

REMARKS

Applicant has considered all points made by the Examiner in the Office Action and has responded to same in order to ensure compliance with the applicable rules.

1. Section 103 Rejection - Claims 21-26 and 28-30.

Claims 21-26 and 28-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Woodland (U.S. Patent No. 6,056,237) in view of Martorana et al (U.S. Patent No. 6,576,880) and Geraci et al (3,985,317).

Applicants' claim 21 (as amended) calls for an airborne vehicle with a fuselage with a tail assembly, wings defining a biplane wing configuration having two wing pairs which are adapted to be removed from the fuselage, a power plant to propel the vehicle through the air, a means to remotely control the flight path of the vehicle, onboard infrared camera, and a means to transmit images from the onboard infrared camera. In order to make obvious Applicants' claimed invention, the references cited by the Examiner must disclose all claimed limitations, *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), and there must be some suggestion or motivation to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1981). Nothing in the cited references shows or suggests removable wings. Woodland, instead, teaches foldability; that is, Woodland teaches away from removability. In addition, there is no motivation to combine the reference teachings. Therefore, Applicants respectfully traverse these rejections.

With respect to claim 21, Applicants' invention differs from Woodland, Martorana and Geraci in that Applicants' invention allows for the removal of the wings from the fuselage. None of the cited references teach the removal of wings from the fuselage.

In addition to the missing removal limitation, there is also no motivation to combine Woodland and Geraci. Woodland discloses a vehicle which has a tail assembly. In contrast, Geraci has no tail assembly. (Geraci, column 2, lines 15-16). Geraci teaches away from the use of a tail assembly in that it states the elimination of the tail assembly as an important object of the invention. (Geraci, column 1, lines 67-68). Also, because Geraci lacks a tail assembly, it is critical that the upper and lower wing sections be placed in particular relation to one another to ensure stability of

the aircraft. (Geraci, column 2, lines 18-25, column 3, lines 56-68). Another critical requirement of Geraci is that the movement of flaps of the forward and rearward wings be in a particular ratio to each other and in relation to the center of gravity of the aircraft. (Geraci, column 4, lines 43-46).

Because not all of the claimed limitations are disclosed in the cited references, and there is no motivation to combine the cited references, claim 1 is not obvious in light of Woodland, Geraci, and Martorana.

With respect to claim 23, none of the cited references disclose an emergency parachute recovery system.

With respect to claim 25, none of the cited references discloses a navigator means which may be preprogrammed with one or more flight plans to allow autonomous operation of the vehicle.

With respect to claims 22-30, because no cited reference teaches or suggests, alone or in combination, the elements of independent claim 21, claim 21 is not obvious in light of the cited references. If an independent claim is nonobvious under 35 U.S.C § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). Claims 2-10 depend from Claim 1. Therefore, Applicants respectfully request the Examiner to withdraw the obviousness rejection of Claims 21-30.

2. Section 103 Rejection - Claim 27.

Claim 27 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Woodland (U.S. Patent No. 6,056,237) in view of Martorana et al (U.S. Patent No. 6,576,880) and Geraci et al (3,985,317) and Rambo et al (5,779,190).

Applicants' claim 27 calls for an airborne vehicle as claimed in claim 21 wherein the power plant includes a generator. In citing Rambo, the Examiner apparently understands the generator to be a source of propulsion for the claimed vehicle. As can be seen in paragraph 37 of the original application, the generator is a source of electrical power for the onboard electronics and may serve to also charge the onboard batteries.

Because an onboard generator is not disclosed in any of the cited references, Applicants respectfully request the Examiner to withdraw the obviousness rejection of Claims 27.



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CONCLUSION

The applicants request a telephone call if there are any problems associated with this Response, as this Response is believed to put the case in condition for allowance.

At this time and in view of Applicants' amendments and arguments set forth above, it is respectfully submitted that all pending claims are allowable, and a Notice of Allowance is respectfully requested.

Respectfully submitted,
JACKSON WALKER L.L.P.

A handwritten signature in black ink, appearing to be 'D. Chapman', with a long horizontal flourish extending to the right.

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